

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD S. BRADFORD,

Plaintiff,

-against-

YOEL LEICHSTEIN, et al.,

Defendants.

21-CV-0771 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR AMENDED IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted with his complaint an “Application to Appeal *In Forma Pauperis*.” (ECF No. 1) The submission is construed as a request to proceed IFP in this Court. But Plaintiff fails to establish that he is unable to pay the filing fees. Plaintiff indicates that he is unemployed and states that he has approximately \$7,000.00 in his bank accounts. But he largely fails to respond to questions about his income sources, employment history, assets, dependents, and expenses. The Court is therefore unable to conclude that Plaintiff lacks sufficient funds to pay the relevant fees for this action.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit an amended IFP application. If Plaintiff submits an amended IFP application, it should be labeled with docket number 21-CV-0771 (CM), and address the deficiencies described above by providing facts to establish that he is unable to pay the filing fees. Plaintiff must answer each question on the amended IFP application, state all sources of

income and all monthly expenses, and describe how he is able to support himself. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: February 22, 2021
New York, New York



COLLEEN McMAHON
Chief United States District Judge